

United States District Court
For the Northern District of California

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2 *E-FILED: June 1, 2012*
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NOT FOR CITATION

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

MARY BASICH,

No. C11-04406 EJD (HRL)

Plaintiff,

**ORDER RE DISCOVERY DISPUTE
JOINT REPORT #5**

v.

[Re: Docket No. 59]

PATENAUME & FELIX, APC. and CAPITAL
ONE BANK, (USA), N.A.; DOES 1-10,
inclusive,

Defendants.

Plaintiff Mary Basich sues for alleged violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq., the Fair Credit Reporting Act, 15 U.S.C. § 1681, et seq., and the California Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788, et seq. She claims that defendants improperly attempted to collect a debt from her with respect to a Capital One credit card and invaded her privacy by obtaining her credit report without her permission. Plaintiff says that this is a case of mistaken identity and that she is not the debtor. Reportedly, the debt is owed by one Mary Ryals, who used the alias “Mary Basich.” Plaintiff initially thought Ryals had stolen her identity, but plaintiff says that she no longer believes that to be the case.

Now before this court is the parties’ Discovery Dispute Joint Report (DDJR) #5 in which defendants seek an order compelling plaintiff to produce documents responsive to

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1 Request for Production Nos. 3-4, 6-7, and 9-11. In sum, these requests seek documents
2 supporting or relating to the allegations of the complaint, plaintiff's credit history, and
3 plaintiff's claimed actual damages. The matter is deemed appropriate for determination without
4 oral argument. Civ. L.R. 7-1(b). Having considered the parties' respective positions, the court
5 grants defendants' request.

6 In her discovery responses, plaintiff asserted several objections, but nevertheless agreed
7 to produce all responsive documents in her possession, custody, or control. No privileges were
8 asserted. Plaintiff does not offer any argument as to why she should not be required to produce
9 documents responsive to the requests at issue.¹ And, although plaintiff initially balked at
10 producing responsive bank statements, she now tells this court that she will do so. Accordingly,
11 within 7 calendar days from the date of this order, and to the extent she has not already done so,
12 plaintiff shall produce all documents in her possession, custody, or control responsive to
13 Request Nos. 3-4, 6-7, and 9-11.

14 SO ORDERED.

15 Dated: June 1, 2012



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17 HOWARD R. LLOYD
UNITED STATES MAGISTRATE JUDGE

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27 ¹ Curiously, plaintiff devotes her efforts in DDJR #5 to an explanation as to
why she has not produced documents responsive to Request for Production No. 8, which
28 seeks documents reflecting the credit history of Mary Ryals. Defendants having confirmed
that they are not moving to compel documents responsive to that request, this court will not
address it.

1 5:11-cv-04406-EJD Notice has been electronically mailed to:
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